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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,169	12/11/2003	Peiguang Zhou	KCX-652 (18776)	5949
22827	7590	09/08/2009	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449				COLE, ELIZABETH M
ART UNIT		PAPER NUMBER		
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09/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* PEIGUANG ZHOU, FUNG-JOU CHEN, JEFFREY DEAN  
LINDSAY, IVAN SCHRODT, FRANK G. DRUECKE,  
and JULIE BEDNARZ

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Application 10/733,169  
Technology Center 1700

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Mailed: September 8, 2009

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Before TINA D. LEE, *Supervisory Paralegal Specialist*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 24, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER

GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL

A review of the file finds that the grounds of rejection to be reviewed on appeal of the claims as provided in the Examiner's Answer mailed May 8, 2009 under the heading "Grounds of rejection to be Reviewed on Appeal" does not contain all of the claims that were as set forth in the last Office action of record. The grounds of rejection to be reviewed on appeal as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. *See also Manual of Patent Examining Procedure (MPEP) § 1207.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007)* for details.

A review of the last Office action, including any mailed Advisory Action(s) finds that Claims 8 and 63 were mentioned in the Final Rejection, but were not included in the statement of rejections in either the Final Rejection or the Examiner's Answer.

Clarification of the record is required for all Grounds of rejection to be reviewed on appeal for all claims.

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to provide a “paper” (PTOL-90) clarifying the status of claims 8 and 63; or
- 2) if necessary, to vacate the Examiner’s Answer mailed May 8, 2009 and generate a new Examiner’s Answer setting forth the correct Grounds of rejection to be reviewed on appeal and to correct other sections of the Answer as may be required; and
- 3) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Tdl/tkl

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